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AN ADDRESS
ON THE
LIFE AND CHARACTER
OF
SAMUEL T. GLOVER,
BY

HON. JAMES L. BLAIR,

OF THE ST. LOUIS BAR.

DELIVERED BY REQUEST BEFORE THE KANSAS CITY BAR ASSOCIATION
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JAMES L. BLAIR.

AT the last monthly meeting of our Jackson County Bar Association, we enjoyed a delightful address from a distinguished member of the bar of our sister city of St. Louis, the Hon. James L. Blair. Mr. Blair is in the prime of early manhood and in the fulness of his professional powers. He has been practicing in St. Louis for a number of years, The style of his firm being Seddon & Blair, and he numbers among his warmest friends many of the members of our local bar. His father, the late Francis P. Blair, was one of the most distinguished men of the Commonwealth of Missouri at that crucial period of our nation's history, which is now happily past. He represented this state in the United States Senate, and was candidate for Vice-President on the same ticket with Seymour.

It has been the custom of our Association, pursuant to the resolution introduced by Mr. Karnes, to devote a portion of our time to perpetuating the memory and fame of the intellectual giants in whose footsteps we tread. A number of biographical sketches of famous members of the Missouri Bar, now deceased, have been read before the Association, and they have been full of interest and profit.

Mr. Blair's address was upon the Life and Character of the late Samuel T. Glover. A more brilliant and scholarly address was never listened to by our body. It was classic in its finished beauty and enriched and brightened throughout by the sunlight of a warm personal friendship.

After the delivery of the address the Association adopted a rising vote of thanks to Mr. Blair, and voted to have one hundred copies of the address printed and presented to him. We take pleasure in presenting the address herewith in full.

THE PROFESSIONAL CAREER OF SAMUEL T. GLOVER.

—BY—

JAMES L. BLAIR, OF THE ST. LOUIS BAR.

Delivered before the Association of Kansas City, March 6th, 1897.

Mr. President and Gentlemen of the Bar:

Members of our profession alone can appreciate the difficulties of the task which I have assumed. The professional life of a lawyer, one who sustained so great a part at the bar as Mr. Glover, is so complex, his labors so varied and embracing such vast fields of efforts, that to set forth within the proper limits a true account thereof is beyond the power of man. I can but hope to sketch for you the outlines of his career, touching briefly upon the notable controversies in which he had part. And I have undertaken this not from any conviction of fitness on my own part, but under the impulse of a profound feeling that it is the duty of our profession to perpetuate the memories of those who have by their lives and services illumined the pages of its history.

Mr. Glover was born in the State of Kentucky in the year 1813. After three years practice in his native state, he removed to Missouri and was admitted to the Palmyra bar in the year 1837. He practiced in Marion and neighboring counties for more than ten years, and then in the year 1849 removed to the city of St. Louis, where he formed a partnership with the late John I. Campbell. Upon that gentleman's removal from the city Mr. Glover was associated in the practice with the late John C. Richardson until the year 1857. Shortly after this date he formed a partnership with the late John R. Shepley, which continued until the death of Mr. Glover, on the 22nd of January, 1884.

The case of *Shaw vs. Burton*, (5 Mo., 478) argued at the August Term, 1838, of our Supreme Court, marks Mr. Glover's first appearance in that forum. The case is unimportant, deciding only a question of pleading, but it is fraught with interest as marking the beginning of this great career which ended, so far as his personal appearance in that court was concerned, with the case of *Farrar vs. the City of St. Louis*, October Term, 1883, (80 Mo., 379). Other cases prepared by him appear in subsequent reports, but the *Farrar* case was the last which he personally conducted.

It is the misfortune of the lawyer that his professional labors, both in the preparation and trial of his cases, leave so few tangible evidences of their extent. Except where he represents his client in the forum his labors are unseen and their results appear only in the finished form of briefs and opinions, seen by few and bearing upon their faces no traces of the laborious preparation they have required. Even in the trial of a cause that which appears on the surface, the statement, interrogation of witnesses, the argument, afford to none, except those familiar with the exactions of legal

labor, any conception of the necessary preparation for these visible results. Knowing as we do this disproportion between the cause tried and the weeks, it may be months, of arduous work required in preparing for it, it is full of meaning to us to know that during his professional career, covering about forty-five years, Mr. Glover appears in the reports as having been in 32 cases in the Supreme Court of the United States; 35 in the St. Louis Court of Appeals and 410 in the Supreme Court of Mo. When we consider that a lawyer in active practice will try ten cases at *nisi prius*, to every one that he argues on appeal, and that he appeared many times in the Federal Courts and the higher courts of other States, of which we have no record, these figures seem prodigious. The mere reading of the briefs, even if prepared by another, so as to qualify himself for a respectable appearance in a court of last resort, would occupy a man of ordinary ability a great length of time if he appeared in the number of cases mentioned. Familiarity with Mr. Glover's habits of work, the intense, ceaseless and arduous labor, the close personal attention to every detail which he bestowed upon every case with which he had to do, indicates, in the light of these figures, an amount of labor which staggers the imagination.

It is impossible, of course, to state the value involved in this litigation. But this much is certain, that though in the beginning of his practice, the actual amounts were small, they were the largest of the time; for from the day when he came to the bar in St. Louis he had his share of all the large litigations of the city, and for the last twenty years of his professional life there appears scarcely any case of great magnitude in which he was not engaged.

It is of surpassing interest to read the record of these cases in which he appeared in our highest courts. To the close student of his style and his method of presentation, it is easy to be seen that he has impressed himself upon the court in every instance in which he has appeared before it. It is no uncommon thing to see the language of the opinion follow closely upon the language of his argument. Nothing can give greater confidence in the possibilities of development in our profession, than the careful perusal of the history of this man as it is written in these records. With an ease that seems incredible, he passes in the short space of one term from a case involving the most abstruse learning in the law of real property to the most delicate and complicated of equity causes, thence to the consideration of involved commercial controversies, and finally to the discussion of the profoundest questions of constitutional law. It is, of course, too much to say, as has been said in the extravagant eulogy of some of our profession, that he was the ablest in all departments; yet in a practice which covers almost half a century and embraces almost every topic of the law, it can be truthfully said that he was superior in all, that he was pre-eminent in most, and that he was unequalled in many; that in those which required the greatest qualities of the human mind to discuss he seemed greatest of all.

It would be impossible for me in the limits prescribed, to allude separately to all of the greatest of his legal contests; but I have selected from

amongst them a few of the most important, each of which is typical of a class, and which taken together illustrate my meaning when I say that his versatility was as remarkable as his power of concentration.

The case of *Garvin's Administrator vs. Williams*, (44 Mo. 465) was a case involving testamentary disposition of property, the issue being the question of undue influence upon the mind of the testator. The doctrine contended for by Mr. Glover in this case was not new, but it was vigorously contested in this State; and to him belongs the credit of establishing it here as the fixed rule. The report of that case condenses Mr. Glover's brief and argument into two pages; his original brief covers 96 printed pages; and if there is any precedent in the books which has not been embraced by its author in this paper, it is unknown to me. The brief is a treatise upon the points involved, which for condensed learning, apt citation, cogent reasoning and powerful presentation, has not, in my opinion, been excelled. His familiarity with the subject is such that when you arise from a perusal of the pages, you can not but feel that its author must have given to the consideration of that topic years of arduous labor. It is a document which a man, who had made a specialty of the subject, might feel well satisfied to put forth as a compendium of his work.

Let us turn now to another famous case, that of *Magwire vs. Tyler* (25 Mo., 484; 30 Mo., 202; 40 Mo., 406; 47 Mo., 115; 1 Black, 195; 8 Wallace, 650; 17 Wallace, 253), a case which engaged the attention of our Supreme Court four separate times, and was three times before the Supreme Court of the United States. Nearly all of the eminent counsel at our bar were at one time or another in this case; Mr. Glover was always the leading counsel for the plaintiff. The case involved a question of title to lands in the city of St. Louis, and in its preparation and trial necessitated an acquaintance with the most technical principles of real property law and equity practice, as well as the involved and baffling history of the French occupation, and of the effect upon titles of confirmations by the United States Government. Through all this tedious controversy, as has been said by one who was closely associated with him in it, Mr. Glover was ever ready, ever aggressive, thoroughly possessed of the case at every point, and finally carried it to a successful termination. As he followed him through the complications of this litigation he was constantly impressed by the facility with which the vexing technical difficulties besetting the case were dealt with, and particularly those affecting the conflict between the State and Federal jurisdiction. There were other cases Mr. Glover tried relating to land titles which, perhaps, involved more intricate questions; but there were none where the contest was sharper, and none where he displayed greater qualities as advocate or counsel, than in this celebrated case.

The case of *Farrar against the City of St. Louis* (80 Mo. 379), the last case in the argument of which Mr. Glover actively participated, was a case involving the validity of an ordinance imposing a special tax upon property, according to the "front foot" rule, for the purpose of paving streets of the City of St. Louis. I had the honor to be personally associated with Mr.

Glover throughout this case, and thus had the opportunity of observing his habits of work and the care he bestowed on his cases. His method of dealing with it was typical of his whole professional life. He had been brought into the case as leading counsel, and might well have taken the position, which indeed he was expected to take, of barrister, having no further concern than to present the law upon the facts furnished by his juniors. But such was not his idea of his duty to his client. He personally examined the ordinance, all the proceedings of the Council leading up to its passage, the contract, the charters of the railway companies whose tracks were on the street; personally reviewed all the work of his assistants, examined every authority, wrote the greater part of the brief, and at every point and stage of the case gave it his constant, close attention from beginning to end. The work done by his assistants in that case was all done over again by him, and would have been done just as thoroughly had they not been in it. His presentation of the constitutional questions involved under the charter of the City of St. Louis, of the limitations upon the legislative power of taxation, his close analysis and criticism of the ordinance involved, and his argument on principle and authority, against the so-called "front foot" rule, well illustrate the versatile and powerful character of his mind. I shall never forget the sustained power with which he met the attack of the able opposing counsel, and the force and eloquence of his argument before the Supreme Court. While the decision of that Court was against him, the case is not only a valuable illustration of his power, but is one of the most notable contributions to the law on this subject.

The case of *The Wiggins Ferry Company vs. Chicago and Alton R. R. Co.* (73 Mo., 389), was a case involving the consideration of a transportation contract and a technical accounting. While the case decides no uncommon principle of law, it illustrates his labors in a department wholly different from any yet noticed. Here he showed conspicuously the habit of close, conscientious labor which distinguished him, and which contributed so largely to his success.

The case of *Dick vs. The Franklin Fire Insurance Co.* (81 Mo., 103), involved several questions of insurance law and the equitable doctrine of subrogation. From personal association with Mr. Glover in that case I am able to say that in these difficult branches of the law he exhibited those same great gifts which so marked him in all others.

The case of the *City of St. Louis vs. St. Louis Gas Light Company* (70 Mo. 69), was another celebrated case, chiefly concerning the law of contract, but also embracing the vexed question of *ultra vires*. The controversy involved such great values that, although the principles of law affecting it were not out of the ordinary, the contest was most bitter, and again he displayed those qualities which most distinguished him, viz: immense capacity for labor, the closest attention to every detail, and the forceful, aggressive habit which overbore all opposition.

Turner vs. Baker (8 Mo. App. 583 and 64 Mo. 218, 76 Mo. 343), an ejectment case and *Glasgow vs. Lindell* (50 Mo., 60, 72 Mo., 411), the school section

case, illustrates his familiarity with the law of real property and the famous case of *Cutter vs. Waddingham* (22 Mo., 206 and 33 Mo., 269), a case involving the Spanish and Territorial law of succession and the effect of the marriage contract under the French law, in which Field, Gamble, Gantt, Geyer, Lord and Williams were all engaged, show his thorough mastery of these abstruse branches of the law.

In the *Spaunhorst* case (*Fnsz vs. Spannhorst*, 67 Mo., 256) he made a masterly and successful argument upon the question of self-enforcement of certain provisions of the Constitution of 1875, and the liability of Bank officers in the absence of statutory provisions. In *Pomeroy vs., Benton* (77 Mo., 64) the law of partnership is discussed; *Liebke vs. Knapp* (79 Mo., 22) the principle was established that subscriptions to capital stock of a corporation (the Eads Bridge at St. Louis) could be paid by publication of newspaper articles favoring the enterprise. The case of *Chouteau vs. Allen* (70 Mo., 290) and *Kitchen vs. Railway Co.* (69 Mo., 224) involving great values and intricate questions relating to corporate powers of railroad companies, issue and pledge of bonds, etc., carried him into a most difficult region of jurisprudence, while in *Barr vs. Armstrong* (56 Mo., 577) the doctrine of the husband's liability for necessities furnished the wife, is examined and illumined by his research and learning.

In the *State Bank* case (*State of Missouri vs. Bank of State of Missouri*, 45 Mo., 528) the interesting question of the powers of State officials was most ably discussed, and the doctrine of the leading case of the *Floyd Acceptances* (7 Wall, 666) was engrafted upon our law.

McCune vs. Belt (38 Mo., 281 and 45 Mo., 174) involves questions affecting Bills and Notes, *State ex rel Watson vs. Farris* (45 Mo., 183) a *quo warranto* proceeding, deals with the powers of a General Assembly of the Presbyterian Church to appoint trustees of an educational institution, and embraced technical questions of ecclesiastical organization; and thus as we explore the books we find almost every conceivable topic discussed with the same adaptability and force.

But the greatest of Mr. Glover's professional efforts was undoubtedly in the celebrated case of *Blair vs. Ridgeley* (41 Mo., 63), one of the "test oath" cases, arising under the Constitution of 1865. This case was an action for damages by Frances P. Blair, Jr., against the judges of election for their refusal to accept his vote without his previously having taken the oath prescribed by the constitution. That oath, as is well known, provided that no person should be allowed to vote who did not swear that he had never, "directly or indirectly, given aid, comfort, countenance or support to persons engaged in any hostility against the United States, or had ever in any manner adhered to its enemies, foreign or domestic, * * * or had ever disloyally held communication with such enemies, or had ever advised or aided any person to enter the service of such enemies, or had ever by act or word, manifested adherence to the cause of such enemies or had any desire for their triumph over the arms of the United States. * * " It not only disfranchised the citizen who could not thus swear, but it also

prohibited lawyers, preachers, teachers, and many other classes of persons from practicing their several callings and professions. The case of the State vs. Cummings, (36 Mo., 273; 4, Wallace, 277) had already gone to the Supreme Court of the United States from Pike County, and in that case it had been decided by that court that the provision of the constitution which forbade a minister of the Gospel to exercise his calling, was void; but the decision still left untouched the right of the citizen to vote, and of the lawyer to practice. The case of Blair vs. Ridgeley, was instituted for the purpose of testing the constitutional provision with reference to the citizen, and about the same time Mr. Glover procured an indictment of himself for practicing law without taking the oath, for the purpose of making the test in reference to lawyers. In Blair vs. Ridgeley, the point was made that those portions of the constitution which imposed these penalties were in the nature of a bill of attainder and *ex post facto*. The plaintiff was represented by Mr. Glover, and the defendant by the author of that notable instrument, the constitution of 1865, the late Charles D. Drake. The case was argued at the October Term, 1867, before Judge Wagner, Holmes and Fagg; and it was deemed of so much importance that the reporter has set forth at length the argument of counsel upon both sides.

It will readily be seen that the questions involved in this case were calculated to call forth the highest powers of the legal mind. Here again the crucial point was the conflict between the State and Federal Constitutions, and with it Mr. Glover dealt not only as a lawyer but as a statesman and patriot. For I venture to assert that his definition of the State, and his comments upon the genius of our institutions as contained in that argument, constitute one of the clearest and most patriotic discussions of the social and economic questions involved which can be found in literature. I cannot take your time to-night by attempting to discuss this argument in detail, but it must be said of it that it is an exhibition of deep and accurate learning, of immense historical research, of the closest reasoning and of the broadest and most philosophical insight into the questions involved, and more, if ever an argument upon a legal proposition amounted to a demonstration, such was the fact in this case. A study of it, irresistibly suggests that expression of Lord Bacon with reference to Chief Justice Coke; "but this I will say of him, that never man's person and his place were better met in business than my Lord Coke and my Lord Chief Justice in the case of Overberry." The issues, the time, the subject all united to form a fit setting for as splendid an example of legal ability as was ever shown. His chief opponent in that case, himself a lawyer of eminence, said of it: "In that argument all ages, all quarters of the globe, and all system of government and laws are laid under contribution."

As an instance of the power of the man, of his grasp of the subject, of his style, in treating the matter under discussion, I can not forbear giving an extract from it. He had been likening the constitution to the ordinance of the Commune of Paris in 1792: and he recites the various frivolous offenses which the revolutionists of that day assigned as evidences of disloyalty, and

punished with imprisonment and death ; and he is answering the contention of opposing counsel that the constitutional provisions attacked are not in the nature of a bill of pains and penalties but a "disqualification," of certain classes to exercise the franchise, a "regulation," entirely competent for the State to make. He says: "The only showing of offense which the Girondists appear to have exhibited was their unshaken sense of justice ; the only crime they committed, their indomitable courage in resisting and defying aggression. On such charges they were condemned, *not punished*, but "disqualified" to live and "regulated" out of existence." It is hard to imagine a more effective use of satire, or a more conclusive argument upon the facts. Had Mr. Glover never put pen to paper, or raised his voice in any other legal effort, the brief and argument in Blair vs. Ridgeley, would stamp him as one of the most eminent constitutional lawyers of the land. The great powers of his mind seemed at their best in the investigation of the vast fields of history, philosophy, literature and law for the acquisition of material whereon to construct his argument. And his analytical power, his marvelous capacity for condensation enabled him to deal with this mass in so effective a way as that each element was made to take its part in the upbuilding of a symmetrical whole which fulfills the highest possibility of mental effort. The feeling which rests upon the mind after the perusal of most arguments is that they furnish more or less food for thought, a starting point for investigation. The impression left by that of Mr. Glover in this case is that the field had been all gone over ; that a master mind had been before and had exhausted the possibilities of the subject, and that the debate is closed.

I might cite many other cases from those volumes where the fame of this great lawyer is embalmed to show his power and versatility. And out of that mass of litigation of which I have spoken I could, if time permitted, show you how every branch of the law with which our courts have dealt, has from time to time engaged his attention and exhibited his great faculties. But of what avail would it be to heap one upon another, illustration after illustration of those great qualities which made this man, as he was, easily the first lawyer of our State. Fascinating as it is to the student of our profession to follow him along this pathway of labor and learning, and profitable as it is to study these monuments of his life's work, time does not here permit us to do so and we must be content with this brief examination of those notable contests in which he particularly shone. They suffice to indicate that he was distinguished by these qualities : a marvelous, intuitive grasp of the strongest, the most salient point in the case, and the faculty for asserting and reasserting his point, always in new and varied form until, by the persuasiveness of his eloquence, the compelling power of his clear logical statement, by the insistence and fervor of his presentation, he carried with him the most unwilling auditor and seemed to annihilate opposing argument. He wasted no time upon matters of small consequence : the great force of his mind was concentrated and thus its power enhanced. Aggressive in manner, confident to a degree which compelled confidence in others, surpassingly earnest, zealous almost to the point of intolerance, he was able

by these accessories so to speak, to pave the way and remove opposition almost before he uttered a word. His quickness of perception and the celerity of all his mental operations were marvelous. He never waited to be attacked; he was invariably the aggressor. Always thoroughly prepared he entered upon the trial of his cases so equipped at all points that he was often able in the conduct of a jury cause to defeat his antagonist by means outside of the merits. It has been well said of him by a fellow practitioner that he not infrequently beat the other side with his small arms without even uncovering his principal batteries. If I were asked what was his greatest mental characteristics, I should say that it was the ability to take broad views of all questions, to discern and emphasize the fundamental principle involved, and at the same time to pay the closest attention to the most minute details. Mr. Wirt thus speaks of Chief Justice Marshall: "This extraordinary man * * * without the advantages of person, voice, attitude gesture, or any of the ornaments of an orator deserves to be considered as one of the most eloquent men in the world, if eloquence may be said to consist in the power of seizing the attention with irresistible force and never permitting it to elude the grasp until the hearer has received the conviction which the speaker intends. How then, you will ask, how is it possible that such a man can hold the attention of an audience enchained through a subject of even ordinary length? I will tell you. He possesses one original and almost supernatural faculty, the faculty of developing a subject by a single glance of his mind and detecting at once the very point upon which every controversy depends; no matter what the question, though ten times more knotty than the "gnarled oak," the lightning of Heaven is not more rapid or more resistless than his astonishing penetration." All who knew Mr. Glover must feel that this language applies to him with wonderful aptness.

But Mr. Glover had this added advantage, he had the most exuberant and picturesque imagination, which touched with light and painted with the most brilliant hues of poetic thought every subject with which he dealt. In conjunction with these powers he had that intellectual accuracy, which enabled him to properly estimate without self-deception the true value of the facts and the legal principles in a case. One of the difficulties of our profession is that we often become so possessed of a case that the case comes to possess us; thus the power of just discrimination is lost, and the strength of our adversary's case undervalued. This Mr. Glover never did. On the contrary, it is my belief that, imputing to his adversary, often without just ground, the possession of some of his own qualities, his tendency was to magnify the strength of the case against him. And in consequence he was always thoroughly prepared.

Another source of his power was his sense of humor. Never carried beyond the point of illustration it never overshadowed anything else, but became in his hands a most effective weapon for the reduction of his adversary's case to an absurdity. Thus he used it in an open letter to the Bar denouncing the General Assembly of the State for the impeachment of Judge Moody, who was, as all will remember, prosecuted because, among other

things, "he held a false, erroneous and dangerous opinion, uttered it on the bench, and empanelled a jury without requiring them to take an oath which he had construed to be unconstitutional."

The letter abounds in invective of a high order and contains this irresistible touch of humorous satire, which well exemplifies his power and style. "The redoubtable Jack Cade thus preferred his indictment against the Lord Say, "Be it known unto thee (said Jack) by these presents, that I am the besom that must sweep the court clean of such filth as thou art. Thou hast most treacherously corrupted the youth of the realm in erecting a grammar school. And, whereas, before, our forefathers had no other books but the score and the tally, thou hast caused printing to be used. And contrary to the King, his crown and dignity, thou hast built a paper mill; and it will be proved to thy face that thou hast men about thee that usually talk of a noun and a verb and such abominable words as no Christian ever can endure to hear." Now, gentlemen, says Mr. Glover, I entreat you which of the two charges is most worthy, that of Jack Cade, or that of the honorable managers of the General Assembly? I will give you my opinion: I think, considering Jack was a savage, his efforts indicate a nature rather more imbued with the principles of justice, and a legal acumen decidedly superior to that of the honorable managers. Had Jack Cade been educated, he would no doubt have made a respectable lawyer. But on these managers I am constrained to believe the lights of civilization have shown in vain."

As to his dramatic power there can be no doubt. There has been much discussion amongst his contemporaries as to whether that quality which was exhibited on so many occasions, was the result of careful preparation or a spontaneous expression of his feeling. It is the opinion of those best qualified to judge that much of it, especially in the trial of a jury case was assumed. It was a part of that legitimate strategy which constitutes the very life of advocacy, the art which marked with distinction such men as Dunning, Plunket, Scarlett and O'Connell, Choate and Pinckney, in all contests before juries. But on such occasions, as in all other public appearances of Mr. Glover, it is certain that the fervor which characterized the man found its natural expression in this way. When he believed a thing it was with the strength of conviction so great that its assertion was a necessity, and in its assertion the characteristics of his mind necessarily tinged his manner. So confident was he in the result of his own investigation, so conscientious and careful had he been in forming his conclusion, that it seemed intolerable to him that others should not share with him in his convictions. And when, in his capacity as an advocate, with this there was coupled the duty to his client—to convince the court or jury of the rectitude of his position, his eagerness and zeal knew no bounds. And these could find expression most fitly in the picturesque, original forms in which the thoughts occurred to him. To these attributes is largely due the fact that the great physical defect under which he labored, became, not a hindrance but a source of strength. That difficulty of speech which beset him from his youth, would have discouraged most men from adopting a profession where facility of

expression is a thing of such importance ; yet by sheer force of will and by reason of this earnestness, this defect, which he could not control, was made to so enlist the interest and hold the attention of his hearers, that it served to emphasize the very thought he wished to express, by the difficulty which seemed to attend its expression.

IN PUBLIC AFFAIRS.

Mr. Glover never held public office, and never but once seemed willing to do so, but he discussed public questions in such a manner as to greatly aid in shaping the public opinion of his time. The earliest record we have of him in this field is an address delivered at Palmyra, Missouri, July 27th, 1847, to the Colonization Society of Marion County. The address is in strong advocacy of the plan for the colonization of slaves as against that of abolition. It is full of vigorous argument, embellished with historical illustration, well ordered, concise, eloquent; it indicates close study of the subject, a sentiment of elevated patriotism, and a depth of sympathy for the unfortunate slave, characteristic of the man and far in advance of the period. As one of his earliest productions it is notable in that it shows a familiarity with public questions unusual at his age, and an interest in their correct solution, creditable alike to his heart and head. The argument is well summed up, and the style illustrated by the concluding sentence of the address, in which, by a picturesque metaphor he shows the advantages of the plan of colonization over the violent and dangerous project of immediate abolition:—"So the waters of some polluted lake within whose depths are concealed the noxious elements of disease and death, may be gently, slowly, constantly, peacefully and effectually withdrawn by some well devised and prudent outlet, which had otherwise remained to poison the atmosphere with their presence, or to break their barriers, and fall upon the land with devastating fury."

On July 7th, 1852, at a ratification meeting of the candidates Scott and Graham, he made a speech in St. Louis which is remarkable in many respects. He had been an ardent advocate for the nomination of Fillmore, having been identified with the National Whig Party, but he accepted the verdict of the Baltimore Convention, and this speech is a superb eulogy on the life and character of Gen. Scott, and an able review of the political issues of the time.

Just previous to the breaking out of the war Mr. Glover took a stand conspicuous for its boldness. Whilst some were crying for peace, some for neutrality and some for any course which would preserve their property, Mr. Glover stood first, last and all the time for unconditional union. Years before he had distinguished himself in the famous trial of Wirt and Thomson in Marion County, when these men were indicted for harboring fugitive slaves. He had braved the passions and prejudices which surrounded these unfortunate victims of the political excitement of the time, standing for law and humanity with the same courage and true patriotism which characterized Adams in the defense of the British soldiers in Boston and Lord

Ersine in Hadleigh's case. He never changed his views, or hesitated to express them, although in those days anti-slavery views were dangerous to entertain and still more to express, until the proclamation had set every black man free. In 1860 he delivered in St. Louis a speech upon the slavery question which is one of the most striking of all his public utterances. He traces the institution of slavery historically with a fidelity remarkable when we consider his uncompromising hatred of it. From the standpoint of the law, of public policy, of humanity and religion, it is examined with a merciless exactness and condemned by its own record. This great question which "touched the tongue of Philips with fire and raised the soul of Sumner to the stars," stirred him to the profoundest depths of his being, and this speech and another which he delivered in 1862 with special reference to State emancipation, for brilliancy and fertility of illustration, for propriety of diction, fairness of statement, invincible logic and forcefulness of expression, have never been excelled by any contribution to the literature of that subject. Concluding that slavery is "a vast social, moral, political and religious evil," he uses this beautiful figure of speech to illustrate his meaning: "Who has not delighted to contemplate the monarch of the forest. See the hale green tree as he lifts his trunk above the earth and casts his giant arms abroad and defies the utmost violence of the storm. The birds of the air find shelter in his branches and the flocks of the field repose beneath his shade. Go now, and shut out the free dews and rains of Heaven from his head; go limit the boundless gush of air and sunlight in which it has been his wont to riot; go circumscribe him round and mark the point at which his roots shall no more descend into the earth, go fix by props and stays and bars the range in which his lordly boughs may sweep amid the rocking of the tempest. Destroy in this way, if you please, the liberty even of a tree, violate in this manner the laws of its nature and the king of trees will languish—the delicate rose will not more certainly droop and die. I say the majestic oak will wither and fall to the earth a blasted and lifeless thing. Now do you suppose that men and societies and States are exceptions to this universal rule?"

The picture he draws of the baleful effects of slavery upon mankind, and his fervid appeal to the people of the State to shake off this monster which, as he said, "had sapped the industries of the State, and will exclude labor and in excluding labor exclude capital" are very strong; in the course of it he uses this striking language:—"Naturally, geographically, Missouri should be the center and heart of the great northwest; but what is she in effect, scarcely any part of it, a foreign body, thrust as it were, in the midst of a gigantic empire whose warm and invigorating life currents she repels; a shrunken, wilted limb upon a tree flourishing in strength and beauty, is the sad similitude of our unfortunate State. This youthful decrepitude, this premature decay is all of it, the work of man. Slavery has done it."

The war issues carried Mr. Glover into the Republican Party, and though he advocated the nomination of Bates before the Chicago Convention of 1860, he became a strong supporter of Mr. Lincoln, all through the war

period, until the adoption of the Drake Constitution in 1865. He gave without stint of his labor and time to the upholding of the Union cause. He was a member of the Committee of Safety in St. Louis, and actively co-operated with Blair, Broadhead, Rollins and other patriots who did so much to save the State for the Union. The adoption of the Constitution of 1865 with its proscriptive provisions drove him out of the Party. Tyranny in all forms was intolerable to him, and while strongly partisan in his views, his mind revolted from the consequences of the measures advocated by the Republicans of that day. He was of those who believed that amnesty meant something, and in a speech before the Democratic Convention August 6th, 1868, he thus showed his nobility of nature, far removed from the petty vindictiveness of party: "Why, then, should not the Unionist and the late Rebel be friends? Their quarrel is ended, their battles all fought out. * * What is it but satanic ambition, or satanic malice that should decree a state of hatred between men who are willing to be at peace? * * Whatever devils and fiends may inculcate on this subject, I tell you I believe the angels in Heaven rejoice and God is well pleased to behold such noble exhibitions of humanity wherever they occur." In the same spirit of exalted patriotism he denounced military rule in the South by an eulogium upon the famous order of Gen. Hancock using the phrase: "That liberty and law were the inheritance of the people;" of this Mr. Glover says: "There, my friends shone forth the statesman and the soldier; there flashed the pen of Madison the sword of Jackson and thus by one honest, fearless, defiant act was Congressional tyranny swept away from Louisiana and Texas."

The speech to which I have just referred is one of a long series of public attacks upon the Constitution of 1865. He had thrown himself into this contest with all the ardor of his nature, inspired by the noblest sentiments of patriotism. His services were freely given, in the case of Blair *vs.* Ridgely and other cases which about that time were instituted to test the validity of these constitutional provisions. And it is to his efforts more than to any other one man that the final overthrow of this iniquitous instrument is due. His speeches and arguments upon these questions were of inestimable public service and mark him as a statesman of no small stature.

During all these years of intense professional labor he gave his time, his energies and his great abilities to the debate of these great public questions, and to his courage, statesmanship and devotion the people of this State are largely indebted for the settlement of those issues which threatened the safety of the commonwealth in that period of danger and unrest succeeding the war. With the exception of his advocacy of greenback theory it is not known that Mr. Glover never arrayed himself upon the side of any public question where the wisdom of his position was not fully vindicated by subsequent events.

He was persuaded to become a candidate for the Senate in 1879. Wholly unused to the duplicity of politicians, unversed in the arts which secure popularity, the brilliant advocate utterly lacked the power to advocate his own cause, and his candidacy failed.

With his superb endowments and exalted patriotism he would have

adorned a station in that body in a manner consonant with the period of its greatest splendor, and would have been a worthy successor to Missouri's greatest Senator; but it was not to be. The fate which kept him in private life decreed a loss to the State, but a distinct gain to his profession.

HIS LITERARY ATTAINMENTS.

No account of Mr. Glover would be complete without touching upon his literary attainments and style. Few men have been more deeply versed in literature, ancient and modern, than he. Almost every speech and argument he made is replete with proofs of his immense research and discerning taste.

The chief characteristic of his diction is his preference for words of purely Anglo-Saxon origin, and it is to this that the forceful, virile quality of his compositions is due. There is a terseness, a vigor, a directness about his language inseparable from the rugged force of the old Anglo-Saxon roots, yet, if occasion required he could command the most delicate phrase, the choicest imagery. Where can there be found a more powerful appeal at once to the intellect and the heart than is contained in this extract from the argument in *State vs. Glover*: "The Missouri Convention have outraged the sense of universal humanity. In the insult which they have offered to the dead and the desecration of graves and tombs they have stricken a blow at every living, human bosom. They have ordered the assessment and sale for taxes of the graves of their people. They are the first legislative hyenas on record. Hitherto, whoever despoiled a grave or tomb was a public criminal, subject to arrest and disgraceful punishment. A Convention legalized this odious crime. The new Constitution directs its officers substantially to remove the enclosures around these solemn spots, tear down the monuments and divert the grounds from a sacred to a common use." In lighter vein he seemed equally facile; thus in one of his political speeches in the Pierce campaign he said: "The Baltimore Convention may make Gen. Pierce our President, but Heaven has put it out of their power to make him great." And upon one occasion when a certain Judge, who had at first leaned strongly to the side of Secession, but afterwards became an extreme Unionist, injected into his charge to the grand jury a denunciation of the rebels, etc., Mr. Glover remarked that the Judge was "trying to commit an overt act of loyalty."

In contrast to these, in one of his speeches describing the horrors of slavery, occurs this passage: "If war comes he shakes as with a giant's tread the pillars and foundations of the State. He buffets rudely our social and civil relations and rights; he passes by our homes and they are filled with mourning; he passes over our fields and they are blasted and blackened by his fiery bolts. At length victory conquers or exhaustion mitigates his miseries. At length the frightful spectre departs and beautiful and gentle peace resumes her sway. The mayflower expands her fair coronal above the bleak skeleton; and from fields ensanguined with heroic blood the rank harvest springs forth to bless the land with plenty."

But style was ever subordinate to matter; the drapery of words never

distorted, it always fitted and adorned the body of the thought. The measured accuracy of the lawyer was never lost but refined and elevated in the graceful word-painting of the poet.

SUMMARY.

In attempting to sum up the character of Mr. Glover, I approach the subject with a timidity born of a clear conception of the difficulties of the case. I have an infinite impatience with the exaggerated eulogy so often used by the biographers of great men, and I feel that in dealing with a character so free from egotism, the language of flattery would be doubly insincere. Yet when I seek fitting phrase in which to define his qualities, I find that words of ordinary use will not serve. He was so great in so many ways that if the phrase did not necessarily imply impossibility I would say that he was a specialist in all specialties of the law; but the instinctive sense of propriety revolts from the application of anything but the exact truth to this man who would have resented flattery as he would a blow. Other lawyers could be named who possessed some quality in greater degree than he; some have thought that the mind of Mr. Geyer was more calmly analytical; some that Roswell M. Field excelled him in knowledge of the law of real property; some that in equity jurisprudence Spaulding was his superior and that as a cross examiner he was not the equal of Gantt. There have been, perhaps, many who could be said to have had more cases within their recollection at easy call; some who were more deeply grounded in the civil law; some in Spanish titles; but in Mr. Glover's case those who knew him, always had the feeling that though in this or that specialty he did not, perhaps, stand first, he might easily have done so had he chosen: that it was only because he did not pursue the specialty that he was not the most eminent in it. It is in the feeling that his *capacity* was almost boundless that I base the statement that if he was not the first in all the branches of the law, yet if you were seeking the man who in some great cause of whatever character would bring it to the clearest apprehension, who would with certainty discern the salient point, would know or quickly find the exact law applicable to the case and be able to most powerfully present it to the tribunal, Mr. Glover was the man for the occasion. You would know that if it were a cause involving a question of fact, from any mass, however great and complicated, his keen intelligence, limitless industry and wise discrimination would, with the most telling effect, unerringly discover it and mould it to his purpose. You could not resist the feeling that he could surmount every difficulty and that he would give to the cause, however great or obscure, the very best qualities of his nature, and that these were the qualities best calculated to deal with it. He impressed you with the feeling that for sheer power of intellect he stood among the very first order of men; that his powers resulted from a combination of genius with labor; that he was equal to any emergency, that whatever he did would be adapted best to the necessities of the time and place. You knew that his pointed phrase, his power of illustration, his impressive earnestness were best calculated to convey his exact thought to the minds of those whom he wished to convince, whether

Judge or Jury, and you felt that his industry and genius would have collected and prepared the material best adapted for his purpose. He had that "rich economy of expression" that "eloquence of reason," that closeness of knowledge which enabled him to make what he said sink deep into the minds of men. It was this breadth of view, coupled, as I have said, with this close attention to the minutest detail which inspired the confidence that no means would be neglected in the attainment of the desired end. He was not like Webster who, as it has been said, seemed to sink the character of the advocate of a client in that of advocate for the truth. On the contrary Mr. Glover gave the impression of the intense advocate of his cause; not because he was in the pay of his client, but because he had thoroughly examined the question and believed in the absolute righteousness of his cause. His strength with both courts and juries was due largely to the fact that he had not fallen into the besetting sin of the profession, subtlety of reasoning, hair splitting differentiation; there was never wanting that controlling common sense, that simplicity of statement, whereby, as has been said, he exhibited "the most imposing and intelligible of all forms of manifestations, the moving of others' minds by speech." Uniting these qualities "rare in their separate excellence, wonderful in their special combination," he wielded an influence impossible to measure. His efforts before juries are unrecorded save in the memory of his contemporaries; yet those same qualities which made him great in discussion of legal questions, adapted by his instinctive tact, enabled him to impress his views upon their minds with rare success. But he was greatest in the discussion of the greatest question; the exposition of the "spirit of laws;" in this he was philosophical, profound.

Here his greatness could be felt and admired but cannot be defined. In the selection of words, in the marshaling of his arguments, in the intuitive, the unexplainable faculty for omitting this, stating that, coupling these thoughts together, setting those over in antithesis against each other, in the whole scope and detail of his presentation of a legal proposition there was that evidence of a whole class of qualities whose absence indicates mediocrity and whose union connotes genius. I am often reminded of the words of Mr. Justice Buller with reference to Lord Mansfield, not only when I contemplate Mr. Glover's performances separately, but his career as a whole, where he says "Certain judgments of his are of such transcendent power that those who knew them were lost in admiration at the strength and stretch of the human understanding."

Such, then, is a very brief account of this man as we find his life written in the records of our profession and the hearts of his associates. Stainless in character, genial in his nature; the good citizen, the patriot, the man of letters, the able polemic orator; imperial in his intellectual furnishing, the undisputed head of his profession.

As we view him from all these aspects we find no better summary of him than these words:

"Formed for all parts in all alike he shined"

"Variously great."

(Vigorous and long continued applause.)







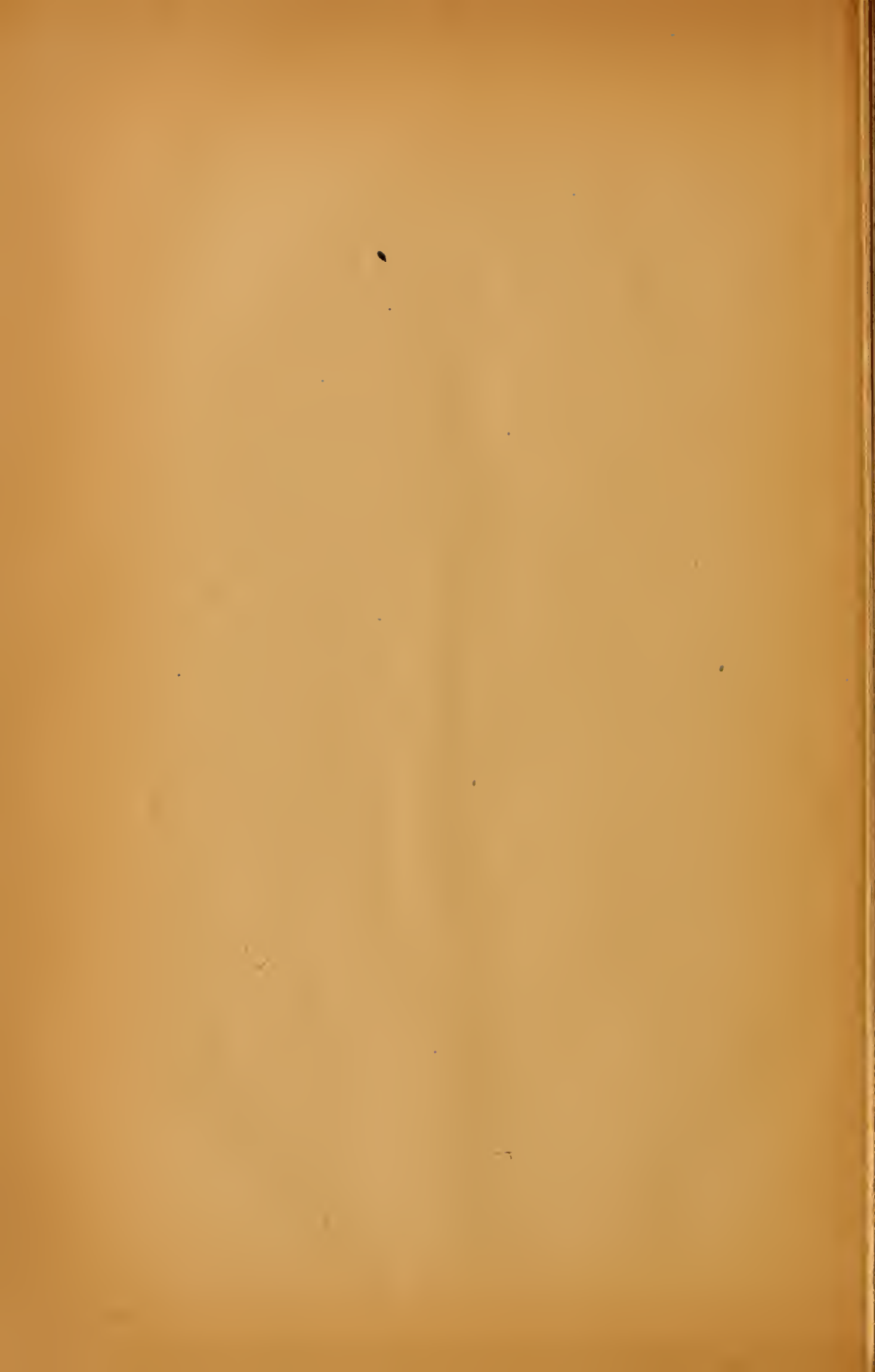












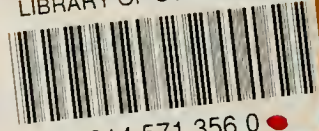






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